

REMARKS

Claims 1 – 6 are pending in this application. Applicant has amended independent claims 1, 4.

In the Final Office Action mailed 18 December 2007, the Examiner rejected claims 1 – 6 under 35 USC §112, first paragraph, as failing to comply with the written description requirement and under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner objects to Applicant's claimed "authentication means, located in said security device means, for locating at least one other consumer electronic device not connected to said security device means or said first consumer device" recited in claim 1, the claimed "link management means for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device" recited in claim 1 and the claimed "automatically locating, by said security device, at least one other consumer electronic device not connected to said security device means or said first consumer device", recited in claim 4.

Since the Examiner objected to the term "located" in Applicant's claims 1 and 4, Applicant has changed that term to "discovering the presence of", which finds support in paragraph [0014] of the Applicant's Published Application US2005/0169477:

Device Discovery – finding and connecting to Consumer Electronics devices using the same wireless interface link and physical layer protocols.

This process of discovering the presence of another device is well known in the art at the time of the invention as is noted by Applicant in paragraph [0013]:

Items 301-304 of Figure 3 are functional elements of wireless interface 111 using any of a number of wireless data protocols, such as the IEEE 802.11x set of standards and represent the elements of the wireless interface 111 for Removable Digital Content Security Devices 101 which are necessary to interconnect the functional elements common to existing Removable Digital Content Security Devices 101 and the functional blocks of the wireless interface 111.

In addition, the Examiner objected to the phrase in claim 1 of "link management means for

establishing a wireless communication link from said security device means to said located at least one other consumer electronic device." Support for this phrase is found in paragraph [0016] where initiating a wireless communication session is described, again well known in the art at the time of the invention as is noted by Applicant in paragraph [0013]:

Session Management – common communication protocols must be defined between the Removable Digital Content Security Devices and the receiving device. These including initiating a session, maintaining a session, and tearing down a session of communications.

Thus, Applicant believes that claims 1-6 are allowable under 35 USC §112, first paragraph, and under 35 USC §112, second paragraph.

The Examiner rejected claims 1 – 6 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,237,610, issued to Gammie ("the Gammie Patent") in view of U.S. Patent Application Publication No. 2002/0164156, by Bilbrey ("the Bilbrey Publication"), noting with respect thereto:

Gammie discloses a method and system for Removable Digital Content Security Devices for delivering a stream of decrypted program content to a plurality of consumer electronics devices, comprising:

security device means, removably connected to a first consumer electronics device, for receiving a stream of encrypted program content from a source [figure 5, decoder 506 receives encrypted program content through satellite link 505; output 509 will be inherently removably (as the user can disconnect the satellite receiver/decoder at any given time) connected to a tv, vcr, etc.];

decryption means, located in said security device means, located in said security device means, {sic} for locating at least one other consumer electronic device not connected to said security device means or said first consumer device [column 6, lines 26-30, program descrambler 508 reads the decrypted key and uses the key to descramble and {sic} output descrambled program]; 508 is located within decoder 506];

Gammie does not disclose authentication means, located in said security device means, for locating at least one other consumer electronic device not connected to said security device means or said first consumer device, a link management means for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device, or a wireless transmitter means for wirelessly transmitting said decrypted program content to at least one other consumer

electronics device. Bilbrey discloses a portable video playback device adapted to receive compressed video data via an antenna and RF receiver [paragraph 34; it is inherent that an RF transmitter is paired with an RF receiver]. Bilbrey does not disclose locating at least one other consumer electronics device or establishing the wireless communication link. 802.11 protocols were well known in the art at the time of invention (specifically 802.11a and 802.11b). As is known in the art, 802.11 wireless routers broadcast their SSID's and wireless enabled user devices discover the wireless networks and if a user decides to connect to the router via wireless enabled user device, the router and wireless enabled user device set up a communication link. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system for wirelessly transmitting and receiving digital content disclosed by Bilbrey with the well known methods of the 802.11 protocols in order to provide over-the-air modulation techniques using a basic protocol. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of Gammie with the wireless transmitting and receiving of Bilbrey and the 802.11 protocol in order to reproduce compressed video information by a portable device [paragraph 4].

Applicant has reviewed the cited references, the Examiner's stated grounds for rejection and presents the following arguments in support of patentability.

In particular, Applicant's system receives coded program content that is transmitted by a program source and uses a Removable Digital Content Security Device to decode the received content for use by the consumer. Applicant's system includes a wireless interface which serves to deliver the decoded program content to a plurality of televisions or consumer electronics devices. The use of a wireless interface overcomes the problems associated with the distance between these systems and the connector compatibility issues where the devices may not be equipped with compatible connectors or interfaces. The present wireless interface for Removable Digital Content Security Devices adds a wireless interface to the Removable Digital Content Security Device so that content can be sent over a limited range transmission to other televisions or consumer electronics devices that may be located a short distance from the first television or consumer electronics device in order to enable the televisions and/or consumer devices to be easily relocated.

In operation, Applicant's system automatically discovers the presence of at least one other consumer electronics device within wireless communication range of the

removable security device that is connected to a first consumer electronics device. This at least one other consumer electronics device is authenticated and a link established between the at least one other electronics device and the security device that is connected to the first consumer electronics device so that the decrypted content can be shared among the multiple consumer electronics devices. The use of the wireless interface to serve multiple consumer electronics devices is not shown or suggested by the cited references, which are directed to the predetermined linkage between a receiver/decoder to serve only a single associated display device.

This novel structure is recited in Applicant's independent claims, such as claim 1, as follows:

authentication means, located in said security device means, for discovering the presence of at least one other consumer electronic device not connected to said security device means or said first consumer device;

link management means for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device; and

wireless transmitter means for wirelessly transmitting said decrypted program content to at least one other consumer electronics device.

None of this structure is disclosed in the cited references as is noted below.

The Gammie Patent discloses an embodiment of the prior art system referenced by Applicant in Figure 1, wherein a decoder is used to descramble encoded satellite transmissions. The decoder comprises an internal security module and a replaceable security module. The program signal is scrambled with a key and then the key itself is twice-encrypted and multiplexed with the scrambled program signal. The key is first encrypted with a first secret serial number (SSN.sub.1) which is assigned to a given replaceable security module. The key is then encrypted with a second secret serial number (SSN.sub.2) which is assigned to a given decoder. The decoder performs a first key decryption using the second secret serial number (SSN.sub.2) stored within the decoder. The partially decrypted key is then further decrypted by the replaceable security module using the first secret serial number (SSN.sub.1) stored within the replaceable security module. The decoder then descrambles the program using the twice-decrypted key. The

replaceable security module can be replaced, allowing the security system to be upgraded or changed following a system breach. However, the security process described in the Gammie Patent is limited to the use of a decoder with a single associated television receiver. There is not even a hint in the Gammie Patent of the provision of the decoded program content to multiple devices, or the use of a wireless interface to interconnect multiple devices.

The Bilbrey Publication discloses a low-cost portable digital video player which receives proprietary compressed data from a personal video recorder (PVR), and displays the data on an integral display. Again, the low-cost portable digital video player described in the Bilbrey Publication is limited to the use of a low-cost portable digital video player with a single associated television receiver. There is not even a hint in the Bilbrey Publication of the provision of the decoded program content to multiple devices, or the use of a wireless interface to interconnect multiple devices.

Given the total lack of even a hint in the cited prior art of a wireless interface, which serves to deliver the decoded program content to a plurality of televisions or consumer electronics devices, the Examiner uses Applicant's specification to provide the basis of the 35 USC §103(a) rejection of Applicant's claims. The missing elements in the Examiner's arguments are the very innovation which is taught by Applicant and recited in the independent claims 1, 4. In particular, Applicant teaches the use of an 802.11 wireless interface in the system to interconnect multiple devices to thereby enable the delivery of the decoded program content to a plurality of televisions or consumer electronics devices. In particular, Applicant's Published Application in paragraph [0013] recites:

Items 301-304 of Figure 3 are functional elements of wireless interface 111 using any of a number of wireless data protocols, such as the IEEE 802.11x set of standards and represent the elements of the wireless interface 111 for Removable Digital Content Security Devices 101 which are necessary to interconnect the functional elements common to existing Removable Digital Content Security Devices 101 and the functional blocks of the wireless interface 111.

Applicant respectfully maintains that the Examiner cannot cite the description of Applicant's claimed invention, as contained in Applicant's specification, as prior art to support a

rejection of Applicant's claims under 35 USC §103(a). Therefore, the Examiner fails to set forth a prima facie showing of obviousness.

In particular, Applicant believes that the Examiner has not made a prima facie showing of obviousness for the claimed invention under 35 U.S.C. §103(a). The MPEP and courts have stated that the prior art relied upon by the Examiner must disclose all of the following:

- 1.) A motivation or suggestion to combine references; 2.) A reasonable expectation of success from combining the references; and 3.) The combined references teach all of the limitations of the claimed invention. MPEP 706.02(j); See also In re Vaeck, 20 USPQ2d 1438 (Fed. Cir. 1991).

If any of these requirements are not met, the combination of the references does not establish a prima facie showing of obviousness for the claimed invention. The Examiner has not met the requirements of item 3 of this test as noted above, since neither of the cited references disclose Applicant's claimed provision of the decoded program content to multiple devices, and the use of a wireless interface to interconnect multiple devices:

authentication means, located in said security device means, for discovering the presence of at least one other consumer electronic device not connected to said security device means or said first consumer device;

link management means for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device; and

wireless transmitter means for wirelessly transmitting said decrypted program content to at least one other consumer electronics device.

Therefore, since neither of the references cited by the Examiner, individually or in combination, teach all of the limitations of the claimed invention, Applicant believes that independent claims 1, 4 are allowable under 35 USC §103(a). In addition, Applicant believes that dependent claims 2, 3, 5, 6 are allowable under 35 USC §103(a) since these claims depend on allowable base claims.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 013208.0133PTUS from which the undersigned is authorized to draw.

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Respectfully submitted,
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